

SECTION 11 DES-OE DRAFT CONTRACT DOCUMENT PROCESSING

11.1 PURPOSE

The purpose of this Section is to define and describe the DES-OE draft contract (DC) document preparation process and activities for AAOE project submittal. It is also to ensure that the Department's personnel know their roles and responsibilities in processing the district PS&E to Draft Contract Ready (DCR).

DES-OE is responsible for the final preparation and processing of AAOE PS&E submittals as final contract documents.

11.2 RESPONSIBILITIES

11.2.1 DES-OE AREA SENIOR

- Assigns the district PS&E as staff becomes available.
- Facilitates the preparation and approval of non-standard special provisions, non-standard edits to an SSP and/or non-standard project plans.
- Reviews, concurs, and sends the "District PS&E Quality Feedback" form to the DOE.

11.2.2 DES-OE SPECIFICATION ENGINEER (SE)

- Verifies that the PS&E is complete and conforms to Department standards.
- Provides draft contract comments to the District Specification Engineer and enters the Draft Contract Comments (DCC) date into the Project Database.
- Incorporates the District Response (DR) into the draft contract documents and enters the Draft Contract (DR) date into the Project Database after verifying that all DC comments have been addressed, including all required changes to the BEES.
- Sends the redlined plans to Delineation, and enters the Draft Contract Ready (DCR) date into the Project Database after verifying that all required plan changes have been delineated.
- Prepares and provides the completed "District PS&E Quality Feedback" form to the DES-OE Area Senior.
- Recommends finalization of the RTL Certificate.

11.2.3 PE AND DISTRICT OVERSIGHT ENGINEER

Promptly provides additional information or clarification requested by DOE or DES-OE.

Obtains concurrence from the FHWA Engineer to any major changes made after PS&E submittal.

11.2.4 DOE

Ensures that any additional information requested by DES-OE during the preparation of the final contract documents, is furnished complete and in a timely manner.

11.3 PREPARATION OF DRAFT CONTRACT COMMENTS

DES-OE verifies that the PS&E submittal is complete, consistent, and in conformance with legal, cost avoidance standards. Verification is based on the requirements in Sections 5, 6, and 7 of this Guide. DES-OE summarizes the comments that may include deletions, additions, corrections, updates and other required changes, or requests approval of non-standard components of the district PS&E. DES-OE will send the DCC Memorandum to the district by e-mail.

The project will receive the DCC date when:

1. DES-OE SE completes review of the plans, specs and estimate.
2. DES-OE SE completes review of the draft RTL Certification, Sections 2e, 4, 5b and 6.
3. All draft contract comments are sent to the DOE SE with 'cc' to the DES-OE Area Senior, DOE, Structures SE, PM, and Job File.

DES-OE then prepares the final contract documents using the information in the PS&E submittal and the DR to the DCC. Before any changes to the project plans, specifications or estimate are made by DES-OE, they are first reviewed with the DOE for concurrence. The DOE is to verify or obtain the concurrence of the Engineer or Architect of Record and notify DES-OE.

11.4 DISTRICT RESPONSE TO DES-OE DRAFT CONTRACT COMMENTS

11.4.1 RESPONSE MEMO

The DOE is to completely address each comment in the DCC Memorandum. The DOE is responsible for forwarding the DCC comments and incorporating the responses from district functional units, including SOE. DOE sends a Response Memo to DES-OE by e-mail to facilitate timely completion of the draft contract ready milestone.

If necessary, district and DES-OE personnel may meet in Sacramento or another convenient location to resolve remaining contract issues. The DES-OE Specification Engineer assigned to the project documents the meeting or telephone discussions in a memorandum to file with a copy to the district.

The project will receive the District Response date when:

1. District has responded to all DCC comments and the DES-OE SE concurs with the responses.
2. Final BEES estimate is submitted to DES-OE.
3. Permits and agreements are submitted to DES-OE and their requirements are incorporated into the PS&E (does not include coop agreements or encroachment permits).
4. Information handouts are submitted to DES-OE.
5. All NSSPs are approved from appropriate owner (includes approval memo or email).
6. Railroad clearance memo or railroad clause is submitted to DES-OE (applicable only if the plans title sheet shows railroad involvement).
7. PE seal sheets are submitted.

11.4.2 PLAN REVISIONS

When submitting district proposed plan revisions or plan revisions requested by DES-OE after PS&E submittal, follow these guidelines:

1. Notify the project DES-OE Specifications Engineer, in writing or by e-mail, that revisions are being submitted.
2. Submit "redline" prints which clearly indicate the proposed or requested plan revisions.
3. Submit a new PS&E CADD Submittal Form with the revised originals, and identify it as a "Revised Submittal" in the appropriate box at the top of the Form.
4. The DOE is to note and explain redline plan sheets, added originals, and replacement originals in the Response Memo.

11.4.3 SPECIAL PROVISIONS REVISIONS

Requested contract special provisions revisions are to be submitted in a format similar to that used for addenda (see Section 13, "Contract Addendum Requests") with the revisions and their locations specified. The DOE and SOE should provide any substantially revised SSPs, SSP updates with extensive edits, and additional SSPs as an individual electronic file with the District Response Memo.

11.4.4 ESTIMATE REVISIONS

Estimate revisions are to be made by the District. The District with concurrence from DES-OE is to revise the BEES electronically and submit a copy of the revised BEES with the District Response Memo. This is to avoid errors in renumbering the other items affected by the deletion or addition to the estimate. The DOE is to explain the deletion, addition and revisions in the Response Memo.

11.4.5 MAJOR REVISIONS

When districts make major revisions to the PS&E after DES-OE sends the draft contract comments, the "PS&E Received Date" and the other milestones that follow will be adjusted accordingly. A DES Communication Change Document (CCD) will be processed to document the adjustment of the affected dates. See the memo of February 28, 2003, "Major Revisions Impact on CTC Allocations and RTL Dates."

Examples of major revisions are listed below. In addition, replacement or addition of plan sheets that are 10% or more of the total number of plan sheets submitted at PS&E will be considered major revisions.

1. Changing the scope of the project, for example:
 - Inclusion of a sole source or proprietary item
 - Revision of standard design features or specific project design elements of the mainline, ramps, frontage roads, crossroads, and significant detours
 - Structural section changes
 - Changes in access control
 - Change in specified material borrow or disposal site.
2. Addition, deletion, or relocation of major structures.
3. Adding, deleting, or in any way changing work stipulated by written agreement between the Department and a private party, corporation, utility, or other governmental unit; or generating any new work under the contract that requires written agreement. This includes any environmental commitment mitigation within the limits of the project.
4. Increasing by \$200,000 or more either the total contract item cost or the approved supplemental work in the Engineer's Estimate.

11.4.6 MINOR REVISIONS

Corrections to plans and specifications that do not affect the scope of the project are not major changes. Minor changes merely clarify the drawings or

specifications so bidders can more clearly understand the work, quality of materials, or performance required to bid and to construct the project.

Examples of minor revisions are:

1. Plans - Adding or deleting details, notes, dimensions, or drawings to clarify instructions, to supplement other drawings, or to eliminate conflicts between notes, dimensions, and drawings; deleting a Standard Plan that is not needed for the proposed work.
2. Specifications - Correcting typographical errors; adding missing specifications which correspond to the work shown on the plans; correcting conflicting provisions; making changes to clarify ambiguous requirements.

If the district is unsure whether a proposed change constitutes a major change, the change should be discussed with the FHWA Engineer or treated as a major change and processed as indicated above.

11.4.7 CHANGES TO FEDERAL AID PROJECTS AFTER PS&E SUBMITTAL

After PS&E submittal to DES-OE the district may need to make a major change in any project where full federal oversight is required. The FHWA Engineer must concur in the changes before the project is considered draft contract ready and RTL. See the Decision Document, "Include FHWA Design Approval in RTL," dated June 2, 2003.

11.4.8 ADDITIONAL REQUIREMENTS FOR DR

DES-OE must receive all permits, RR Agreements, NSSP approvals any other documents required for advertisement (PIF, trade name approval, etc.) except RTL certification requirements and funding approval.

11.5 DRAFT CONTRACT READY

The project will receive the Draft Contract Ready (DCR) date when the DR fully satisfies the DCC comments including specialty comments (highway planting, highway electrical and building) and the following activities have been completed.

1. The DES-OE Specification Engineer:
 - Incorporates revisions and additions from the DR into the contract special provisions, including specialty specifications.
 - Numbers the special provisions.
 - Consolidates redline plan revisions, including specialty plans, onto one set of plan prints.
 - Checks plan titles, sheet code letters, signatures, and seals.

- Checks the list of applicable Standard Plans and adds New or Revised Standard Plans to the list if necessary.
- Adds final sheet numbering and the index of plan sheets to the Title Sheet.
- Submits the redlined plans to the Project Plans Unit for delineation into the final plans.
- Checks the redlined plans against a half-size plot of the final project plans and verifies that all corrections have been made.

The Project Plans Unit:

- Prepares a tif file from the final plans for the PE to use in certifying the project as conforming to Section 1.3.6 of the RTL Guide. The 'tif' files are posted on the 'ftp' site specified in the Draft Contract Ready Memorandum.

2. The BEES unit will lock the BEES when the project receives its DCR date.

11.6 DISTRICT PS&E QUALITY FEEDBACK

The "District PS&E Quality Feedback" form (see Appendix B) will be prepared for each AAOE project after the project is draft contract ready.

11.7 DRAFT CONTRACT READY MEMORANDUM

DES-OE SE prepares the Draft Contract Ready Memorandum and emails it to the PE along with electronic copies of the final special provisions and the District PS&E Quality Feedback. The DES-OE SE also sends a 'cc' to the Area Senior, DOE, DSE, Structures SE (if applicable), PM, DCR Memo email group, specialty DES-OE SE's and the district Environmental Chief. A hard copy of the memorandum is placed in the Job File.

11.8 RETURN OF PROJECTS

See Rick Land's memorandum "Updating and Funding Shelved Ready to List Projects":

http://pd.dot.ca.gov/design/memos/ShelvedProjectsMemo_06-14-2005.pdf

Also see the Decision Document, "Return of Projects Not Ready For Advertisement":

http://pd.dot.ca.gov/des/documents/decisiondocs/return_of_projects_not_ready_for_advertisement.pdf

11.9 PREPARATION OF FINAL CONTRACT DOCUMENTS

During the listing period, DES-OE SE:

- prepares the final specifications by updating SSPs and adding appropriate new SSPs.
- Proofs the Notice to Contractors and Special Provisions and the Proposal and Contract.
- Performs other activities as explained in Section 1.

11.10 RETURN OF REDLINE PROJECT PLANS

DES-OE returns the redlined roadway plans to the DOE and structure plans to SOE after DCR.

The DOE and SOE must make the returned redline prints available in their offices for review and verification by the responsible persons with their signature and seal on the plans. The redlined prints are to remain in the possession of the DOE and SOE until award of the project. After the project is awarded, the final CADD file is made available to the DOE and to the SOE. The redlined prints shall not be destroyed until the Engineer of Record concurs and the contract is awarded.

11.11 ADVERTISING PERIOD

Activities performed by the DES-OE SE include the processing of contract addenda requests (see Section 13).

11.12 REJECTED BIDS/RE-ADVERTISEMENT

The district must instruct DES-OE whether or not to return the PS&E in the request for rejecting bids. See Section 14 for sample instructions. . In fairness to bidders, contracts with rejected bids will not normally be re-advertised without material revisions made to the previously advertised contract documents.

11.13 REFERENCES

- Decision Document, "Return of Projects Not Ready For Advertisement."
- Decision Document, "Include FHWA Design Approval in RTL."
- Memorandum, "Major Revisions Impact on CTC Allocations and RTL Dates," dated February 28, 2003.
- Memorandum, "Electronic Signatures," dated January 30, 1995.